

REMARKS

Applicants note with appreciation the interview courteously afforded the undersigned counsel for the Applicants on October 6, 2005. At the interview, the above claim amendments were proposed and discussed, as were the arguments in support of patentability that are set forth below. No agreement to allowance was reached at the interview.

In the Office Action dated July 28, 2005, claims 1 and 6 were objected to due to informalities therein. The typographical error noted by the Examiner in claim 1 has been corrected, and in the language from claim 6 that has now been incorporated in claim 1, the word "device" has been changed to "installation".

Claims 10, 11 and 13 were rejected under §112, first paragraph because the Examiner stated the specification does not provide support for a medical device wherein the structural component that can be installed and removed is the gradient system. The Examiner stated the specification provides support only for the structural component being the body coil.

Since claim 10 was an original claim, and therefore its content forms a part of the original disclosure, Applicants could amend the specification to describe an alternative embodiment wherein the structural component is the gradient system. Applicants acknowledge, however, that this would require adding another figure and a certain amount of text to the specification. For the moment, Applicants have elected not to do so, and therefore claims 10 and 11 have been cancelled, and the reference to a gradient system in claim 13 has been cancelled. If and when allowable subject matter is indicated with regard to the other claims of the application, Applicants will reconsider whether to incur the expense that would be

associated with making the aforementioned changes in the specification to include the embodiment of the structural component being the gradient system.

Additionally, claims 1-11 were rejected under Section 112, second paragraph, because of the phrase "patient bed rail..." in claim 1, lines 9-10. The Examiner stated that for the purpose of prosecution on the merits the Examiner considered the word "rail" in this phrase to be unintentional, and the Examiner is correct on this point. Claim 1 has now been amended consistent with this assumption on the part of the Examiner.

Claims 1-5, 8 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Heinhold et al in view of Reimann. Claims 6, 7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Heinhold et al in view of Reimann, further in view of Carper et al. Claim 10 was rejected under 35 U.S.C. §103(a), but this rejection is now moot in view of the cancellation of claim 10. Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Heinhold in view of Reimann et al and Carper et al, further in view of an article entitled "Gradient Coils."

In the rejections based on the Heinhold et al reference, the Examiner stated that the panel 5 in the apparatus disclosed in that reference corresponds to the "structural component" of independent claims 1, 12 and 13. Applicants respectfully disagree with this position of the Examiner.

Independent claims 1 and 12 already contained language requiring that the structural component be separate from the (as previously claimed) patient bed, and such language now has also been added in claim 13. Applicants submit that the panel 5 is not separate from the patient supporting apparatus 1 disclosed in the Heinhold et al reference, but is instead an integral, non-separable component of the

overall patient supporting apparatus. This is made clear by the language in paragraph [0021] of the Heinhold reference, which states that Figure 1 shows a side view of a patient-supporting apparatus 1 on which a patient is supported on a panel 5. Applicants submit this language makes clear that the panel 5 is part of the patient-supporting apparatus. In the next paragraph [0022], it is stated that the panel 5 is arranged on the top framework part 10 of a bed base or table framework 9 by means of a guide element 7, for example, a guide rail. Applicants submit this language as well makes clear that the patient-supporting apparatus 1 is composed of three components, namely the panel 5, the top framework part 10, and the bed base 9. In fact, if the panel 5 were not considered to be a part of the patient-supporting apparatus, it is difficult to envision how the underlying components 9 and 10 could be considered as accomplishing the function of supporting a patient in the intended manner. The presence of the panel 5 is absolutely necessary for the overall apparatus 1 to function as a patient-supporting apparatus, and therefore it is not a structural component that is separate from the patient-supporting apparatus, as required in independent claims 1, 12 and 13.

Each of those claims previously referred to a "patient bed," but that term at each location in all of the claims has now been changed to "patient supporting apparatus." This language has been used because it is the same as the language used to refer to the overall apparatus 1 in the Heinhold et al reference. By stating that the structural component in each of claims 1, 12 and 13 is separate from the patient supporting apparatus, this makes clear that the structural component cannot be any component of the patient supporting apparatus 1 disclosed in the Heinhold et al reference.

This structural distinction over the disclosure of the Heinhold et al reference is sufficient to overcome the rejection of independent claim 12 based on the Heinhold and Reimann. This is also sufficient to distinguish claim 13 over the combination of Heinhold et al, Reimann, Carper et al and Gradient Coils (the Gradient Coils reference was apparently relied upon as part of the basis for rejecting claim 13 in view of the language in claim 13 stating that the structural component could be either a body coil or a gradient system. In view of the cancellation of "gradient system" from this portion of claim 13, Applicants assume the reliance on the Gradient Coils reference is no longer relevant.)

Additionally, the subject matter of claim 6 has now been incorporated in claim 1. Additionally, the language from claim 6 added in claim 1 has been revised to state that the second guide rail forms a linear, aligned extension of the first guide rail.

As discussed at the interview, the language in the Heinhold et al reference relied upon by the Examiner as disclosing a "first guide rail" is in the singular, i.e. it refers to only one guide rail. In the Carper et al reference, by contrast, two parallel guide rails are used. At the interview, the Examiner stated she still was able to consider these two parallel rails to be "an extension" of the single guide rail disclosed in the Heinhold et al reference. As discussed at the interview, the added language in claim 1 requiring that the second guide rail be a linear, aligned extension of the first guide rail precludes such an interpretation. There is no suggestion or guidance in either of the Heinhold et al or the Carper et al references as to how some type of alignment can be achieved between a system such as Heinhold et al, that uses a single guide rail, and a system as disclosed in the Carper et al reference, that makes use of two parallel guide rails. Even if the Examiner still considers the two parallel guide rails in the Carper et al reference to be "an extension" of the single guide rail

disclosed in the Heinhold et al reference, it is clear that those two parallel guide rails cannot be a linear, aligned extension of the single guide rail disclosed in the Heinhold et al reference.

Applicants do not have a significant disagreement with the Examiner's statements concerning the teachings of the Reimann reference, however, for the above reasons Applicants submit that even if the Heinhold reference were modified in accordance with those teachings, the subject matter of independent claims 1, 12 and 13 still would not result.

The remaining claims depending from claim 1 add further structure to the non-obvious combination of claim 1, and are patentable over the teachings of the above references for the same reasons discussed above in connection with claim 1.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

 (Reg. 28,982)

Schiff, Hardin LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicant.